

HOUSE JOINT MEMORIAL 24

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

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FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE  
TO DEVELOP A LONG-TERM PLAN TO IMPLEMENT PRECAUTIONARY  
PRINCIPLES IN DEPARTMENTS OF STATE GOVERNMENT.

WHEREAS, every New Mexican has an equal right to a healthy  
and safe environment; and

WHEREAS, Article 20, Section 21 of the constitution of New  
Mexico affirms that "the protection of the state's beautiful  
and healthful environment is hereby declared to be of  
fundamental importance to the public interest, health, safety  
and the general welfare", and that "the legislature shall  
provide for control of pollution and control of despoilment of  
the air, water and other natural resources of this state,  
consistent with the use and development of these resources for  
the maximum benefit of the people"; and

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1           WHEREAS, a principle for guiding activities to prevent  
2 harm to the environment and harm to human health has been  
3 emerging during the last fifteen years and is known as the  
4 precautionary principle; and

5           WHEREAS, the precautionary principle holds that when an  
6 activity threatens harm to human health or to the environment,  
7 precautionary measures should be taken, even if cause and  
8 effect relationships are not fully established scientifically;  
9 and

10           WHEREAS, precaution is the common sense idea behind many  
11 adages, such as "be careful", "better safe than sorry" and  
12 "look before you leap" and is inherent in the understanding of  
13 the Hippocratic oath of "first, do no harm"; and

14           WHEREAS, the concepts of precaution are the basis of many  
15 activities designed to protect the health and safety of United  
16 States citizens, such as requirements of the federal food and  
17 drug administration that call for new drugs to be tested before  
18 they are placed on the market and requirements of the federal  
19 Occupational Safety and Health Act of 1970 that requires  
20 employers to provide safe workplaces and working conditions;  
21 and

22           WHEREAS, the precautionary principle has been incorporated  
23 in international environmental treaties and in health,  
24 environment and educational policies of numerous governmental  
25 entities in the United States, including the city of San

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1 Francisco and the state of Massachusetts; and

2 WHEREAS, many New Mexicans are exposed to hazardous toxins  
3 in their homes, schools, workplaces and communities and suffer  
4 negative health impacts as a result; and

5 WHEREAS, the precautionary principle is a highly effective  
6 decision-making tool for reducing negative and costly long-term  
7 effects on public health resulting from exposure to  
8 environmental toxins; and

9 WHEREAS, there are approximately eighty-five thousand  
10 industrial chemicals in use today, most of which have not been  
11 adequately tested for toxicity; and

12 WHEREAS, many conditions, including asthma, cancer,  
13 Alzheimer's disease, Parkinson's disease and birth defects,  
14 have been linked to environmental toxins; and

15 WHEREAS, the precautionary principle should become the  
16 basis for reforming environmental laws and rules and should  
17 also be applied as a general principle governing industrial  
18 practices, maintenance of public buildings and the safety of  
19 schools and students;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
21 STATE OF NEW MEXICO that the department of health be requested  
22 to establish a task force to develop a long-term plan to  
23 implement selected precautionary principles in departments of  
24 state government; and

25 BE IT FURTHER RESOLVED that the task force include

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1 representation from the department of environment, the public  
2 education department and the general services department and  
3 representation from hospital and health care systems,  
4 businesses, consumers and municipalities; and

5 BE IT FURTHER RESOLVED that the plan developed by the task  
6 force pay strict attention to methods of implementing the  
7 federal environmental protection agency's program known as  
8 "tools for schools" to promote a safe environment for children  
9 in the public school system; and

10 BE IT FURTHER RESOLVED that the plan provide for ways to  
11 implement a safe products and safe practices program in public  
12 buildings and health care facilities, including the appropriate  
13 use of pest management products; and

14 BE IT FURTHER RESOLVED that the task force identify and  
15 assess the benefits of implementing precautionary principle  
16 ordinances and policies in areas such as land use, vehicle  
17 fleet choices and maintenance and purchasing of cleaners,  
18 building and remodeling materials, office supplies and  
19 electronic equipment for public buildings; and

20 BE IT FURTHER RESOLVED that the task force report its  
21 progress to the legislative health and human services committee  
22 at its October 2005 meeting; and

23 BE IT FURTHER RESOLVED that the final report of the task  
24 force be presented to the legislative health and human services  
25 committee, the legislative education study committee and the

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legislative finance committee by October 2006; and

BE IT FURTHER RESOLVED that copies of this memorial be sent to the secretaries of health, environment, public education and general services.